

ASSEMBLY BILL

No. 483

**Introduced by Assembly Member Buchanan
(Coauthor: Assembly Member De La Torre)**

February 24, 2009

An act to add Section 11752.75 to the Insurance Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 483, as introduced, Buchanan. Workers' compensation: Internet Web sites.

Existing law provides that a licensed rating organization shall make available specified policy information relating to workers' compensation insurance, as specified.

This bill would provide that a licensed rating organization shall, pursuant to regulations adopted by the Insurance Commissioner after notice and hearing, establish and maintain an Internet Web site for the purposes of assisting any person to determine whether an employer is insured for workers' compensation.

This bill would specify who may submit an inquiry and for what purpose, what information shall be available on the Internet Web site, and would provide that a rating organization would not be required to disclose, on the Internet Web site, certain specified information or confidential information, as specified.

The bill would provide that the Internet Web site shall be accessible for inquiries without charge, but the commissioner may at his or her discretion, permit the rating organization to impose access restrictions as necessary to deter the use of the Internet Web site for purposes other than which it was intended.

This bill would provide that the Internet Web site contain specified information, or a hypertext link to insurer information on the Department of Industrial Relations' Internet Web site, and a hypertext link to the department for the purpose of locating employers who may be self-insured.

This bill would require that the Internet Web site be operational 180 days after adoption of regulations by the commissioner, and be updated as specified.

This bill would require the commissioner to adopt regulations to implement this act and provide for dispute resolution regarding the accuracy of the information displayed on the Internet Web site.

This bill would provide civil immunity, as specified, to rating organizations, and specified persons acting within their capacity as members of the organization, or employees acting within the scope of their employment, who release information.

This bill would provide that it shall not be construed to create liability, as specified, or construed to limit the authority of a rating organization to disclose information contained in its records to others.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11752.75 is added to the Insurance Code,
- 2 to read:
- 3 11752.75. (a) Notwithstanding any other provision of law, a
- 4 licensed rating organization shall, pursuant to regulations adopted
- 5 by the commissioner after notice and hearing, establish and
- 6 maintain an Internet Web site for the purposes of assisting any
- 7 person to determine whether an employer is insured for workers'
- 8 compensation.
- 9 (b) The Internet Web site shall:
- 10 (1) Permit a person to submit a query for coverage information
- 11 concerning a specified employer.
- 12 (2) Permit the query to specify an employer, using the name,
- 13 address, or other identifying information of the employer, or
- 14 combinations of identifying information, as may be provided by
- 15 regulations adopted by the commissioner. Other identifying
- 16 information may include, but need not be limited to, the employer's
- 17 federal employer identification number.

1 (3) In response to the query, provide the name of the workers'
2 compensation insurer or insurers for the employer on the date of
3 the query according to the most recent information available to
4 the rating organization, subject to paragraph (7), and provide a
5 contact address for the insurer from information available to the
6 rating organization, or by providing a hypertext link to insurer
7 information available on the department's Internet Web site.

8 (4) Be accessible for inquiries without charge. However, the
9 commissioner may at his or her discretion, permit the rating
10 organization to impose access restrictions as necessary to deter
11 the use of the Internet Web site for purposes other than which it
12 was intended.

13 (5) Contain a hypertext link to the Department of Industrial
14 Relations' Internet Web site for the purpose of locating employers
15 who may be self-insured.

16 (6) Include any disclaimers that the commissioner may prescribe.

17 (7) Be updated to reflect policy information as soon as is
18 reasonably feasible following submission of that information by
19 insurers to the rating organization, as the commissioner shall
20 require.

21 (8) Include a disclaimer stating that the search results may not
22 reflect recent changes in information.

23 (9) Include a disclaimer stating that the failure of an employer
24 to appear in response to a query does not mean that the employer
25 does not have insurance or is operating in violation of California
26 law.

27 (c) A rating organization shall not be required to disclose on
28 the Internet Web site any policy numbers, inception or expiration
29 dates, or confidential information, as defined by the commissioner.

30 (d) The Internet Web site specified in this section shall become
31 operative no later than 180 days after the effective date of
32 regulations adopted by the commissioner implementing this section.

33 (e) The commissioner shall adopt regulations to implement this
34 section no later than January 1, 2011. These regulations shall
35 specify a method by which an employer may dispute through the
36 rating organization or the employer's insurance company the
37 accuracy of the information displayed on the Internet Web site.

38 (f) No rating organization, member of a rating organization, or
39 member of a committee of a rating organization when acting within
40 his or her capacity as a member of the committee, or when acting

1 within the scope of his or her employment, shall be liable to any
2 person for injury, personal or otherwise, or damages caused, or
3 alleged to have been caused, either directly or indirectly, by the
4 good faith disclosure of information pursuant to this section, or
5 for the accuracy or completeness of any information disclosed in
6 good faith.

7 (g) This section shall not be construed to create liability except
8 as provided in this section, nor as a legislative recognition that,
9 except for the enactment of this section, a liability would exist.

10 (h) Nothing in this section shall be construed as limiting the
11 authority of a rating organization to disclose information contained
12 in its records to others.